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‘GOING TO BECOME A MAJOR ISSUE’

# Top judge warned of registrar overhaul

## EXCLUSIVE

KYLAR LOUSSIKIAN  
JILL ROWBOTHAM

A long-serving judge on the Federal Court was so incensed by the reorganisation plans drawn up by its most senior bureaucrats that he took the unusual step of intervening – warning that it was “going to become a major issue”.

Emails obtained by The Australian show Andrew Greenwood objected to plans to downgrade the classification that one existing registrar would be appointed to – a decision the court’s chief executive and senior officials attempted to blame on the Australian Public Service Commission.

Instead, Justice Greenwood in the emails sent in October 2018 accused then chief executive Warwick Soden, and his replacement, Sia Lagos, of “obfuscating”.

Mr Soden had claimed the registrar, a man who had been at the court for many years, could not be given the original Senior Executive Service classification advertised because it would be vetoed by the APSC representative.

“Sia spoke to me briefly before she went on leave and apparently the (APSC) representative was

concerned that (the man) was not very forthcoming about the changes to the management system or otherwise he would make to improve the work of the court,” Justice Greenwood wrote.

“First, Warwick’s advice that the APSC has a veto on appointment is wrong,” Justice Greenwood wrote in an internal memo.

“The true position is that neither Warwick nor Sia want to appoint (the man). The so-called ‘veto’ is a red herring to prevent (him) being awarded the position.

“The SES classification, you will find, will have been taken somewhere else in the organisation ... regrettably, the eight Brisbane judges will not accept the downgrading of the role.”

The Australian on Wednesday reported that the Federal Court’s bureaucrats had circumvented the cap on the number of staff by hiring them at lower levels and using special agreements to increase their pay – by up to \$50,000 – and their titles.

A major reorganisation of the court’s national registrars – which took place over several years – caused angst within the agency as long-serving staff were sidelined.

In the reorganisation, the most senior registrar in Queens-

land ended up in a position lower than the SES classifications other state registrars were given.

“Warwick tells me there is a problem because the (APSC) has a veto on any SES appointments,” Justice Greenwood wrote in one email dated October 18.

“To solve the problem, Warwick wants to downgrade the role from an SES position, avoid the APSC’s veto and appoint (him).

“This reduces the standing of the position. It reduces (the man).

“Queensland is the third largest state by population ... he has the unqualified support of the eight resident judges, the profession and the staff. What more is required?”

The process to reorganise the Federal Court’s national registrars was later investigated by the APSC. At that time, court officials told acting assistant commissioner Kate McMullen a “role review” meant some positions were classified at SES level and others at a lower one. Many staff employed at a lower level, were given special deals to raise their salary.

Under public service rules, departments and agencies are not permitted to fill SES classified positions at lower levels.



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A week after Justice Greenwood's complaint about the registrar's apparent demotion, an HR official wrote to the man to confirm they would use "an agency determination which varies your base salary", giving him a pay rise.

The Federal Court declined to comment, but Justice Greenwood confirmed he had been told that the APSC had objected to the

man's appointment because he "might not be accommodating of planned changes to the management structure of the court".

"If that view was held, it was, unfortunately, incorrect," he wrote in an email to The Australian. "I understand the public service representative's view was not ultimately decisive in any event.

"(He) was ultimately appointed to the role at the (lower level) configured in a way as determined by Mr Soden and Ms Lagos, no doubt in discussion with the APSC."

Ms McMullen's investigation concluded that "a role review process ... had resulted in certain positions being found suitable for either (classification)".

"More clear and transparent communications from the FCA about the role review process, including the changing nature of the National Judicial Registrar role to allow it to be held at either ... position level, may have been advisable to reduce the risk of misunderstanding," she wrote in December 2020.

The Australian on Monday reported the investigation separately found a junior lawyer had been appointed despite not holding "an essential qualification for the position".

**'He has the unqualified support of the eight resident judges, the profession and the staff. What more is required?'**

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**ANDREW GREENWOOD**  
FEDERAL COURT JUDGE